

PHILLIPS NIZER

U.S. BANKRUPTCY COURT
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NEWARK, NJ

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JAMES J. WALDRON

BY: 
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October 30, 2008

Honorable Mark Falk, United States Magistrate Judge
United States District Court
United States Post Office and Courthouse
1 Federal Square, Room 457
Newark, New Jersey 07101

Re: DiSalvo v. Borough of Haworth
Civil Action No. 08-4768

Dear Judge Falk:

This office represents the defendant, Borough of Haworth, in the above captioned matter. I am in receipt of Your Honor's Letter Order Pursuant to Rule 16.1 advising that, on November 22, 2008, Your Honor will issue a Scheduling Order and further directing that, by November 22, 2008, the parties submit certain information regarding estimated time for discovery, adding of parties, amendment of pleadings and dispositive motions. Before addressing those issues, please allow me to provide the Court with the background of this dispute.

In his Verified Complaint for Declaratory Judgment, plaintiff Stephen DiSalvo claims that he and his wife, Josephine DiSalvo, are the owners of real property located at 172 Delaware Avenue, Haworth, New Jersey (the "Property"). Plaintiff alleges that, on August 6, 2008, Haworth Police Officer Michael P. Gracey told plaintiff and his wife that they would be arrested if they entered the Property. Plaintiff further alleges that he was deprived of his right to enter the

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Property without having had the opportunity to be heard, in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

The Court should be aware that, at the time of the incident complained of by plaintiff in his Complaint, plaintiff was the debtor in an involuntary bankruptcy proceeding entitled "In Re Stephen DiSalvo", Case No. 07-20047. That proceeding was filed on July 18, 2007 and assigned to the Honorable Donald H. Steckroth. On August 16, 2007, the Bankruptcy Court entered an order for relief and, thereafter, Robert B. Wasserman, Esq. was designated as Trustee. Although the Borough was not involved in that proceeding, it appears from the docket report, a copy of which is enclosed herewith, that the case has had a long and torturous history. Most relevant to this proceeding, on April 8, 2008, the Trustee moved before the Bankruptcy Court for an Order compelling plaintiff and his wife to vacate the Property. That Motion was granted and, on July 30, 2008, an "Amended Order Compelling Stephen and Josephine DiSalvo and Any Other Parties to Vacate Real Property" was entered by Judge Steckroth. Pursuant to that Amended Order, a copy of which is also enclosed, plaintiff and his wife, and any other parties residing at the Property were ordered to vacate the Property and turn over the keys to the Property to the Trustee. The Amended Order further provided that, if plaintiff and his wife and any other persons residing at the Property failed to vacate the Property and turn over the keys to the Trustee, "... the U.S. Marshall Service shall remove such persons from the Property;". The Amended Order authorized the Trustee, under the supervision and with the assistance of the U.S. Marshall Service, to take all steps necessary to take possession of the Property, including breaking open and entering the Property and evicting all persons located within the Property.

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Finally, the Amended Order provided that anyone interfering with the execution of the Amended Order would be subject to arrest by the U.S. Marshall.

On August 4, 2008, at the request of the Trustee, two officers of the Haworth Police Department responded to the Property to assist the U.S. Marshall in entering and removing plaintiff from the Property. On several occasions thereafter, plaintiff attempted to regain entry into the Property, but was advised that, pursuant to the Order of the Bankruptcy Court, he was barred from reentering the Property and that any attempt to re-enter the Property would result in his arrest.

The Court should also be aware that, on or about August 2, 2008, the Trustee moved in the Bankruptcy Court for an Order authorizing the Trustee to sell the Property to a third party. That Motion was granted and an Order authorizing the Trustee to sell the Property, a copy of which is enclosed, was entered by Judge Steckroth on September 30, 2008. I have been informed that title to the Property was, in fact, conveyed to the third party that same day – September 30, 2008 – and that the purchaser is presently in possession of the Property. I have been further informed that, notwithstanding the above referenced Orders and the transfer of title, plaintiff continues to insist that he is the owner of the Property and continues to demand that the Haworth Police Department allow him to reenter the Property.

Based on the above, I believe that the Bankruptcy Court may be the proper forum to hear plaintiff's Complaint. The Bankruptcy Court entered the Orders that ultimately resulted in the removal of plaintiff and his wife from the Property and the sale of the Property to a third person and the Bankruptcy Court is familiar with the facts and circumstances surrounding the entry of

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those Orders. With its extensive knowledge of the facts, the Bankruptcy Court may, in conjunction with the Trustee, be able to address and conclude this matter in a more expeditious manner. For that reason, I am respectfully requesting that Your Honor consider transferring this matter to Judge Steckroth in the United States Bankruptcy Court. If Your Honor advises that a formal Motion to transfer is required, I am prepared to file such a Motion forthwith.

Respectfully submitted,

PETER J. SCANDARIATO

cc: Honorable Donald H. Steckroth, U.S.B.J.
Robert B. Wasserman, Esq., Trustee
Stephen DiSalvo
Ann Fay, Haworth Borough Clerk

DischargeDENIEDDB, ADVERSARY

**U.S. Bankruptcy Court
District of New Jersey (Newark)
Bankruptcy Petition #: 07-20047-DHS**

Assigned to: Honorable Donald H. Steckroth
Chapter 7
Involuntary
Asset

Date Filed: 07/18/2007

Debtor

Stephen DiSalvo
172 Delaware Avenue
Haworth, NJ 07641
SSN / ITIN: xxx-xx-1296

represented by **Stephen DiSalvo**
PRO SE

Trustee

Robert B. Wasserman
Wasserman, Jurista & Stolz
225 Millburn Avenue, Suite 207
PO Box 1029
Millburn, NJ 07041-1712
(973) 467-2700

represented by **Wasserman, Jurista & Stolz**
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Scott S. Rever
Wasserman, Jurista & Stolz
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Millburn, NJ 07041-1712
(973) 467-2700
Email: srever@wjslaw.com

U.S. Trustee

United States Trustee
Office of the United States Trustee
One Newark Center

represented by **Martha R. Hildebrandt**
U.S. Department of Justice
Office of the US Trustee
One Newark Ctr

07/19/2007	<u>3</u>	7/26/2007 (clb,). (Entered: 07/19/2007)
07/21/2007	<u>4</u>	BNC Certificate of Service - Order No. of Notices: 2. Service Date 07/21/2007. (Admin.) (Entered: 07/22/2007)
07/24/2007	<u>5</u>	Involuntary Summons Issued to Greenstar Enterprises, Inc. for service on Stephen DiSalvo. Answer to Involuntary Petition due by 8/23/2007. (clb,) (Entered: 07/24/2007)
07/24/2007	<u>6</u>	Notice of Appearance and Request for Service of Notice filed by John R. Morton Jr. on behalf of Volvo Car Finance North America. (Morton, John) (Entered: 07/24/2007)
08/01/2007	<u>7</u>	Certificate of Service (related document: <u>1</u> Involuntary Petition (Chapter 7) filed by Debtor Stephen DiSalvo, Petitioning Creditor Greenstar Enterprises, Inc., <u>5</u> SUMMONS) filed by Rick Aaron Steinberg on behalf of Greenstar Enterprises, Inc.. (Steinberg, Rick) Modified LINK on 8/3/2007 (clb,). (Entered: 08/01/2007)
08/07/2007	<u>8</u>	Virtual Minutes of Hearing held on: 08/07/2007 Subject: FOR: STATUS CONFERENCE RE: (RELATED DOCUMENT: <u>1</u> INVOLUNTARY PETITION (CHAPTER 7) FILED BY PETITIONING CREDITOR GREENSTAR ENTERPRISES, INC.). THE FOLLOWING PARTIES WERE SERVED: DEBTOR, DEBTOR'S ATTORNEY, TRUSTEE, AND US TRUSTEE.. Proceedings: Adjourned. (vCal Hearing ID (72350)). (related document(s) <u>3</u>) Hearing scheduled for 09/18/2007 at 10:00 AM at DHS - Courtroom 3B, Newark. (tcw,) (Entered: 08/07/2007)
08/16/2007	<u>9</u>	Order for Relief (Involuntary) (related document: <u>1</u> Involuntary Petition (Chapter 7) filed by Debtor Stephen DiSalvo, Petitioning Creditor Greenstar Enterprises, Inc.). The following parties were served: Debtor, Debtor's Attorney, Trustee, US Trustee and Movant's Attorney. Signed on 8/16/2007. Incomplete Filings due by 8/31/2007.Means Test Form Due: 8/31/2007. (zlh,) (Entered: 08/16/2007)
08/18/2007	<u>10</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 08/18/2007. (Admin.) (Entered: 08/19/2007)
08/18/2007	<u>11</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 08/18/2007. (Admin.) (Entered: 08/19/2007)
		Notice of Appointment of Trustee Robert B. Wasserman filed by United States Trustee. (United States Trustee, by Martha Hildebrandt, Assistant United States Trustee,) (Entered: 08/19/2007)

10/11/2007	<u>18</u>	order compelling the debtor to file a list of creditors, schedules and statement of financial affairs pursuant to FRBP 1007 and compelling Stephen DiSalvo to appear for a 341 meeting# <u>2</u> Exhibit A- order for relief# <u>3</u> Exhibit B-letter dated September 25 2007# <u>4</u> Proposed Order compelling the debtor to file a list of creditors, schedules and statement of financial affairs pursuant to FRBP 1007 and compelling Stephen DiSalvo to appear for a 341 meeting) (Rever, Scott) (Entered: 10/11/2007)
10/12/2007	<u>19</u>	Certificate of Service (related document: <u>18</u> Motion to Compel,,, filed by Trustee Robert B. Wasserman) filed by Scott S. Rever on behalf of Robert B. Wasserman. (Rever, Scott) (Entered: 10/12/2007)
10/16/2007	<u>20</u>	Virtual Minutes of Hearing held on: 10/16/2007 Subject: FOR: STATUS CONFERENCE RE: (RELATED DOCUMENT: <u>1</u> INVOLUNTARY PETITION (CHAPTER 7) FILED BY PETITIONING CREDITOR GREENSTAR ENTERPRISES, INC.). THE FOLLOWING PARTIES WERE SERVED: DEBTOR, DAVID EDELBERG FOR GREENSTAR ENTERPRISES AND US TRUSTEE.. Proceedings: Withdrawn. (vCal Hearing ID (81382)). (related document(s) <u>3</u>) (env,) (Entered: 10/16/2007)
11/12/2007	<u>21</u>	Adversary case 07-02419. Complaint by Greenstar Enterprises, Inc. against Stephen DiSalvo. Fee Amount \$ 250.. (41 - OBJECTION/ REVOCATION OF DISCHARGE - 727(c),(d),(e) AND 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) (Attachments: # <u>1</u> Exhibit "A"# <u>2</u> Exhibit "B"# <u>3</u> Exhibit "C"# <u>4</u> Exhibit "D") (Steinberg, Rick) ADDED RELIEF on 11/13/2007 (clb,). (Entered: 11/12/2007)
11/13/2007		Minute of Hearing Held, OUTCOME: Granted (related document: <u>18</u> Motion to Compel the Debtor to file a list of creditors, schedules and statement of financial affairs pursuant to FRBP 1007 and compelling Stephen DiSalvo to appear for a 341 meeting filed by Trustee Robert B. Wasserman) (zlh,) (Entered: 11/16/2007)
11/14/2007	<u>22</u>	Order Compelling the Debtor to File a List of Creditors, Schedules and Statement of Financial Affairs and Compelling Stephen DiSalva to Appear for 341 Meeting. (Related Doc # <u>18</u>). The following parties were served: Debtor, Debtor's Attorney, Trustee, US Trustee and Movant's Attorney. Signed on 11/14/2007. (zlh,) (Entered: 11/14/2007)
11/16/2007	<u>23</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 11/16/2007. (Admin.) (Entered: 11/18/2007)

12/10/2007	<u>29</u>	Certificate of Service (related document: <u>28</u> Motion to Compel Payment of Administrative Expenses, filed by Creditor Greenstar Enterprises, Inc.) filed by Rick Aaron Steinberg on behalf of Greenstar Enterprises, Inc.. (Steinberg, Rick) (Entered: 12/10/2007)
12/19/2007		Hearing Rescheduled from 1/8/08. (related document: <u>28</u> Motion to Compel Payment of Administrative Expenses filed by Creditor Greenstar Enterprises, Inc.) Hearing scheduled for 6/17/2008 at 10:00 AM at DHS - Courtroom 3B, Newark. (zlh,) (Entered: 12/19/2007)
12/19/2007	<u>30</u>	Document re: Correspondence to Judge Steckroth dated December 19, 2007 confirming adjournment of motion seeking allowance of administrative expenses (related document: <u>28</u> Motion to Compel Payment of Administrative Expenses, filed by Creditor Greenstar Enterprises, Inc.) filed by David Edelberg on behalf of Greenstar Enterprises, Inc.. (Edelberg, David) (Entered: 12/19/2007)
01/08/2008	33	Virtual Minutes of Hearing held on: 01/08/2008 Subject: MOTION FOR CONTEMPT AGAINST STEPHEN DISALVO, MOTION RE: FOR ORDER HOLDING DISALVO IN CONTEMPT FOR FAILURE TO ABIDE BY ORDER OF COURT AWARING SANCTIONS, DIRECTING US MARSHAL TO APPREHEND AND BRING DEBTOR BEFORE COURT TO SHOW CAUSE WHY HE SHOULD NOT BE INCARCERATED UNTIL HE COMPLIES, MOTION FOR OTHER SANCTIONS RE:FAILURE TO COMPLY WITH COURT'S ORDERS. SANCTIONS AGAINST STEPHEN DISALVO FILED BY SCOTT S. REVER ON BEHALF OF ROBERT B. WASSERMAN.. Proceedings: GRANTED. (vCal Hearing ID (92405)). (env,) (Entered: 01/10/2008)
01/08/2008	34	Virtual Minutes of Hearing held on: 01/08/2008 Subject: MOTION TO COMPEL COMPLIANCE WITH RULE 2004 SUBPOENA AND FOR CONTEMPT FILED BY RICK AARON STEINBERG ON BEHALF OF GREENSTAR ENTERPRISES, INC... Proceedings: GRANTED. (vCal Hearing ID (92406)). (env,) (Entered: 01/10/2008)
		Order Holding Stephen DiSalvo in Contempt of Court for his Failure to Abide by Orders of this Court, Awarding Sanctions in the Amount of \$1,000.00 and Directing the U.S. Marshall to Apprehend and Bring the Debtor before the Court to Show Cause as to Why he should not be incarcerated until he complies with this court's order (Related Doc # <u>24</u>). The following parties were served: Debtor, Debtor's Attorney, Trustee, United States Trustee

03/03/2008	<u>39</u>	(tcw,) (Entered: 03/03/2008)
03/05/2008	<u>41</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 03/05/2008. (Admin.) (Entered: 03/06/2008)
03/06/2008	<u>42</u>	BNC Certificate of Service. No. of Notices: 6. Service Date 03/06/2008. (Admin.) (Entered: 03/07/2008)
03/06/2008	<u>43</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 03/06/2008. (Admin.) (Entered: 03/07/2008)
03/13/2008	<u>44</u>	Application For Retention of Professional Classic Realty Group as Real Estate Broker Filed by Robert B. Wasserman on behalf of Robert B. Wasserman. Objection deadline is 3/20/2008. (Attachments: # <u>1</u> Certification of Professional# <u>2</u> Proposed Order Authorizing Retention of Real Estate Broker to Chapter 7 Trustee) (Wasserman, Robert) (Entered: 03/13/2008)
03/14/2008	<u>45</u>	Certificate of Service by U.S. Marshals (related document: <u>31</u> Order on Motion for Contempt, Order (Generic), Order (Generic), Order (Generic), Order on Motion For Sanctions,) filed by Robert B. Wasserman. (dmc,) (Entered: 03/17/2008)
03/24/2008		Adversary Case (2-07-ap-02419) Closed. (clb,) (Entered: 03/24/2008)
03/27/2008	<u>46</u>	Order Granting Application to Employ Classic Realty Group as Realtor (Related Doc # <u>44</u>).The following parties were served: Debtor, Debtor's Attorney, Trustee, US Trustee, Movant's Attorney and Realtor. Signed on 3/27/2008. (tcw,) (Entered: 03/27/2008)
03/29/2008	<u>47</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 03/29/2008. (Admin.) (Entered: 03/30/2008)
04/08/2008	<u>48</u>	Motion to Compel Stephen and Josephine DiSalvo to Vacate real property Filed by Scott S. Rever on behalf of Robert B. Wasserman. Hearing scheduled for 5/6/2008 at 10:00 AM at DHS - Courtroom 3B, Newark. (Attachments: # <u>1</u> Application in support of entry of an order compelling Stephen and Josephine DiSalvo to vacate real property# <u>2</u> Exhibit A-Judgment by Default against Josephine DiSalvo# <u>3</u> Exhibit B-order dated March 3, 2008# <u>4</u> Proposed Order Compelling Stephen and Josephine DiSalvo and any other parties to vacate real property) (Rever, Scott) (Entered: 04/08/2008)
		Certificate of Service (related document: <u>48</u> Motion to Compel,,

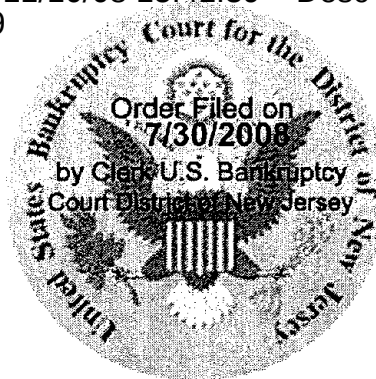
06/11/2008	<u>56</u>	Steinberg on behalf of Greenstar Enterprises, Inc.. (dmc,) (Entered: 06/16/2008)
06/23/2008		Receipt of Certification & Copy Fee Amount \$ 10.00, Receipt Number 505330. Fee received from Wasserman, Jurista & Stolz. (iav,) (Entered: 06/23/2008)
06/23/2008		Receipt of Certification and Copy Fee Amount \$ 10.00, Receipt Number 505331. Fee received from Wasserman, Jurista & Stolz. (iav,) (Entered: 06/23/2008)
07/30/2008	<u>57</u>	Amended Order Compelling Stephen and Josephine DiSalvo and Any Other Parties to Vacate Real Property,(related document: <u>53</u> Order on Motion to Compel,, <u>48</u> Motion to Compel Stephen and Josephine DiSalvo to Vacate real property filed by Trustee Robert B. Wasserman). The following parties were served: Debtor, Debtor's Attorney, Trustee, US Trustee and Movant's Attorney. Signed on 7/30/2008. (tcw,) (Entered: 07/30/2008)
07/31/2008		Receipt of Fee Amount \$ 10.00 for certified copywork, Receipt Number 505671. Fee received from Wasserman, Jurista & Stolz . (clb,) (Entered: 07/31/2008)
08/01/2008	<u>58</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 08/01/2008. (Admin.) (Entered: 08/02/2008)
08/04/2008	<u>59</u>	Ordered That Stephen DiSalvo Be Found In Civil Contempt. The following parties were served: Debtor, Debtor's Attorney, Trustee, US Trustee and Movant's Attorney. Signed on 8/4/2008. (tcw,) (Entered: 08/04/2008)
08/04/2008	<u>60</u>	eCorrespondence to the Court re: status of case. (clb,) (Entered: 08/04/2008)
08/04/2008	<u>61</u>	Copy of Letter Request to the US Marshals Service to produce Debtor to Court on 8/5/08 at 2 PM. (clb,) (Entered: 08/04/2008)
08/05/2008	<u>62</u>	Order Vacating Arrest Warrant and Releasing Stephen DiSalvo from Custody. The following parties were served: Debtor, Trustee, US Trustee and Movant's Attorney. Signed on 8/5/2008. (zlh,) (Entered: 08/05/2008)
		Application For Retention of Professional A. Atkins Appraisal Corp. as Appraiser Filed by Scott S. Rever on behalf of Robert B. Wasserman. Objection deadline is 8/13/2008. (Attachments: # <u>1</u> Certification of Professional in support of Application for Retention of Professional# <u>2</u> Proposed Order Authorizing

08/14/2008	<u>73</u>	Corporation as Appraiser (Related Doc # <u>63</u>).The following parties were served: Debtor, Trustee, US Trustee, A. Atkins Corporation . Signed on 8/14/2008. (mg,) (Entered: 08/15/2008)
08/15/2008	<u>74</u>	BNC Certificate of Service - Meeting of Creditors. No. of Notices: 8. Service Date 08/15/2008. (Admin.) (Entered: 08/16/2008)
08/16/2008	<u>75</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 08/16/2008. (Admin.) (Entered: 08/17/2008)
08/17/2008	<u>76</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 08/17/2008. (Admin.) (Entered: 08/18/2008)
08/17/2008	<u>77</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 08/17/2008. (Admin.) (Entered: 08/18/2008)
08/19/2008	<u>78</u>	LETTER in Opposition to Motion to (related document: <u>71</u> Application to Shorten Time (related document: <u>70</u> Motion to Vacate (related document: <u>57</u> Amended Order (Generic), Amended Order (Generic)) filed by Debtor Stephen DiSalvo) filed by Debtor Stephen DiSalvo, <u>70</u> Motion to Vacate (related document: <u>57</u> Amended Order (Generic), Amended Order (Generic)) filed by Debtor Stephen DiSalvo) filed by David Edelberg on behalf of Greenstar Enterprises, Inc.. (Edelberg, David) Modified on 8/20/2008 (dmc) (Entered: 08/19/2008)
08/20/2008		Minute of Hearing Held, OUTCOME: Denied (related document: <u>70</u> Motion to Vacate (related document: <u>57</u> Amended Order (Generic), Amended Order (Generic)) filed by Debtor Stephen DiSalvo, <u>78</u> Opposition, , filed by Petitioning Creditor Greenstar Enterprises, Inc.) (tcw,) (Entered: 08/20/2008)
08/20/2008	<u>81</u>	Certificate of Service (related document: <u>71</u> Application to Shorten Time filed by Debtor Stephen DiSalvo, <u>70</u> Motion to Vacate filed by Debtor Stephen DiSalvo) filed by Stephen DiSalvo. (dmc,) (Entered: 08/25/2008)
08/21/2008	<u>79</u>	Order Denying Motion To Vacate Order Entered on July 30, 2008. (Related Doc # <u>70</u>). The following parties were served: Debtor, Trustee, US Trustee and Movant's Attorney. Signed on 8/21/2008. (zlh,) (Entered: 08/21/2008)
08/23/2008	<u>80</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 08/23/2008. (Admin.) (Entered: 08/24/2008)
		Notice of Information for Private Sale re: 172 Delaware Avenue

09/16/2008		Petitioning Creditor Greenstar Enterprises, Inc.) Hearing scheduled for 10/14/2008 at 10:00 AM at DHS - Courtroom 3B, Newark. (tcw,) (Entered: 09/16/2008)
09/16/2008	<u>89</u>	Notice of Appearance and Request for Service of Notice filed by Rosemarie E. Matera on behalf of Josephine DiSalvo. (Attachments: # <u>1</u> Affidavit of Service) (Matera, Rosemarie) (Entered: 09/16/2008)
09/22/2008	<u>90</u>	Motion for Relief from Stay re: 2007 Volvo S60. Fee Amount \$ 150. Filed by John R. Morton Jr. on behalf of Volvo Car Finance North America. Hearing scheduled for 10/14/2008 at 10:00 AM at DHS - Courtroom 3B, Newark. (Attachments: # <u>1</u> Proposed Order # <u>2</u> Certification # <u>3</u> Certificate of Service) (Morton, John) (Entered: 09/22/2008)
09/22/2008		Receipt of filing fee for Motion for Relief From Stay(07-20047-DHS) [motion,mrlfsty] (150.00). Receipt number 12862769, amount \$ 150.00. (U.S. Treasury) (Entered: 09/22/2008)
09/22/2008	<u>91</u>	Limited Opposition in Opposition to (related document: <u>83</u> Motion to Sell 172 Delaware Avenue, Haworth, New Jersey Motion to Avoid Lien of Greenstar Enterprises, Inc. Motion to Avoid Lien of Greenstar Enterprises, Inc. Motion to Avoid Lien of Greenstar Enterprises, Inc. filed by Trustee Robert B. Wasserman) filed by Rosemarie E. Matera on behalf of Josephine DiSalvo. (Attachments: # <u>1</u> Exhibit A & B# <u>2</u> Affidavit of Service of Opposition) (Matera, Rosemarie) (Entered: 09/22/2008)
09/24/2008	<u>92</u>	Document re: Letter to Judge Steckroth dated September 24, 2008 (related document: <u>91</u> Opposition, filed by Interested Party Josephine DiSalvo) filed by Scott S. Rever on behalf of Robert B. Wasserman. (Rever, Scott) (Entered: 09/24/2008)
09/24/2008	<u>93</u>	Document re: Exhibit to Letter to Judge Steckroth dated September 24, 2008 - Bautista Builders bill (related document: <u>92</u> Document filed by Trustee Robert B. Wasserman) filed by Scott S. Rever on behalf of Robert B. Wasserman. (Rever, Scott) (Entered: 09/24/2008)
09/24/2008	<u>94</u>	Certificate of Service (related document: <u>93</u> Document filed by Trustee Robert B. Wasserman, <u>92</u> Document filed by Trustee Robert B. Wasserman) filed by Scott S. Rever on behalf of Robert B. Wasserman. (Rever, Scott) (Entered: 09/24/2008)
09/25/2008		Administratively terminated Financial Management Certificate deadline - debtor denied discharge. (clb,) (Entered: 09/25/2008)

10/16/2008	<u>98</u>	Payment of Administrative Expenses filed by Petitioning Creditor Greenstar Enterprises, Inc.). Filed by David Edelberg on behalf of Greenstar Enterprises, Inc.. (Edelberg, David) (Entered: 10/16/2008)
10/16/2008	<u>99</u>	Order Granting Application For Compensation for A. Atkins Appraisal Corp., fees awarded: \$600.00, expenses awarded: \$535.00 (Related Doc # <u>86</u>). The following parties were served: Debtor, Debtor's Attorney, Appraiser, Trustee and US Trustee. Signed on 10/16/2008. (zlh) (Entered: 10/17/2008)
10/17/2008	<u>100</u>	Consent Order Resolving the Petitioning Creditor's Application for Allowance of Administration Expenses, re: (related document: <u>98</u> Certificate of Consent filed by Petitioning Creditor Greenstar Enterprises, Inc.). Filed by David Edelberg on behalf of Greenstar Enterprises, Inc. . The following parties were served: Debtor, Debtor's Attorney, Trustee, US Trustee and Movant's Attorney. Signed on 10/17/2008. (tcw) (Entered: 10/17/2008)
10/19/2008	<u>101</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 10/19/2008. (Admin.) (Entered: 10/20/2008)
10/19/2008	<u>102</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 10/19/2008. (Admin.) (Entered: 10/20/2008)
10/19/2008	<u>103</u>	BNC Certificate of Service - Order No. of Notices: 1. Service Date 10/19/2008. (Admin.) (Entered: 10/20/2008)

PACER Service Center			
Transaction Receipt			
10/29/2008 11:26:21			
PACER Login:	pn0086	Client Code:	82541 00001
Description:	Docket Report	Search Criteria:	07-20047-DHS Fil or Ent: filed Doc From: 0 Doc To: 99999999 Term: included Format: html
Billable Pages:	10	Cost:	0.80



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

WASSERMAN, JURISTA & STOLZ, P.C.
225 Millburn Avenue - Suite 207
P.O. Box 1029
Millburn, New Jersey 07041
Phone: (973) 467-2700
Fax: (973) 467-8126
Counsel for Robert B. Wasserman, Chapter 7
Trustee
(SCOTT S. REVER-SR1425)

In Re:

STEPHEN DISALVO,

Debtor.


Case No.: 07-20047 DHS

Judge: Donald H. Steckroth

**AMENDED ORDER COMPELLING STEPHEN AND JOSEPHINE DISALVO AND
ANY OTHER PARTIES TO VACATE REAL PROPERTY**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

DATED: 7/30/2008



Honorable Donald H. Steckroth
United States Bankruptcy Judge

(Page 2)

Debtor: Stephen DiSalvo
Case No.: 07-20047 DHS
Caption of Order: Amended Order Compelling Stephen and Josephine DiSalvo and any other parties to Vacate Real Property

THIS MATTER, having come before the court by reason of the filing of a motion by Robert B. Wasserman, Chapter 7 Trustee, by and through his counsel, Wasserman, Jurista & Stolz, P.C., seeking the entry of an Order compelling Stephen and Josephine DiSalvo to vacate real property, and for good cause shown, it is hereby

ORDERED, that Stephen and Josephine DiSalvo and any other parties residing at the property known as 172 Delaware Avenue, Haworth, New Jersey shall vacate the Property and turn over the keys for the Property to the Trustee no later than June 15, 2008; and it is further

ORDERED, that if Stephen and Josephine DiSalvo and any other parties residing at the Property known as 172 Delaware Avenue, Haworth, New Jersey, fail to vacate the Property and turnover the keys to the Trustee as set forth herein, the U.S. Marshal Service shall remove such persons from the Property; and it is further

ORDERED, that if the U.S. Marshal is needed to remove persons from the Property, Robert B. Wasserman, the Chapter 7 Trustee, is authorized under the supervision and with the assistance of the U.S. Marshal, to take all necessary steps to take possession of premises located at 172 Delaware Avenue, Haworth, New Jersey, including breaking open and entering said premises and evicting all persons located within said premises; and it is further

ORDERED, that anyone interfering with the execution of this Order is subject to arrest by the United States Marshal and/or his or her representative; and it is further

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Debtor: Stephen DiSalvo
Case No.: 07-20047 DHS
Caption of Order: Amended Order Compelling Stephen and Josephine DiSalvo and any other parties to Vacate Real Property

ORDERED, that Robert B. Wasserman, the Chapter 7 Trustee, on whose behalf the court issues this Order, will account completely for all property seized pursuant to this order and shall compile a written inventory of all such property and shall provide a copy to the U.S. Marshal, who shall include such a copy with his return to the court; and it is further

ORDERED, that Robert B. Wasserman, the Chapter 7 Trustee, on whose behalf the Court issues this Order, will act as substitute custodian of any and all property seized pursuant to this order and shall hold harmless the U.S. Marshal Service and its employees from any and all claims, asserted in any court or tribunal, arising from any acts, incidents, or occurrences in connection with the seizure and possession of the defendant property, including any third-party claims.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-2(c)

WASSERMAN, JURISTA & STOLZ, P.C.
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PO Box 1029
Millburn, New Jersey 07041
Tele: (973) 467-2700 / Fax: (973) 467-8126
Counsel to the Chapter 7 Trustee
SCOTT S. REVER (SR-1425)

In Re:

STEPHEN DiSALVO,

Debtor.

Case No.: 07-20047

Honorable Donald H. Steckroth

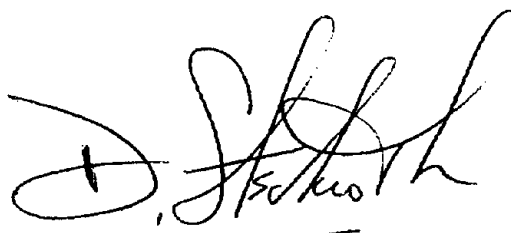
Chapter: 7

Hearing Date: September 30, 2008 at 10:00
a.m.

**ORDER PURSUANT TO 11 U.S.C. §363(b) AND (f) AUTHORIZING THE TRUSTEE TO
SELL CERTAIN REAL PROPERTY, FREE AND CLEAR OF LIENS, CLAIMS AND
INTERESTS, AND AVOIDING LIENS PURSUANT TO
11 U.S.C. §544**

The relief set forth on the following pages, numbered two (2) through three (3) is hereby
ORDERED.

9-30-08


USBJ

U.S. BANKRUPTCY COURT
FILED
NEWARK, NJ

08 SEP 30 AM 11:02


CLERK

(Page 2)

Debtor: Stephen DiSalvo
Case No.: 07-20047 (DHS)
Caption of Order: Order Pursuant to 11 U.S.C. §363(b) and (f) Authorizing the Trustee to Sell Certain Real Property, Free and Clear of Liens, Claims and Interests, and Avoiding Liens Pursuant to 11 U.S.C. §544

THIS MATTER having come on before the Court by reason of a Motion filed by Robert B. Wasserman, Chapter 7 Trustee in the above-captioned proceeding ("Trustee"), by and through his attorneys, Wasserman, Jurista & Stolz, P.C., seeking the entry of an Order authorizing the Trustee to sell certain real property, free and clear of liens, claims and interests, and avoiding liens pursuant to 11 U.S.C. §544, and a Notice of Proposed Private Sale having been distributed by the Clerk of the United States Bankruptcy Court for the District of New Jersey; and it appearing that no objections to the proposed sale have been filed within the time set by the Clerk or such objections have been resolved; and good and sufficient cause having been shown for the entry of this Order; it is hereby

ORDERED, that pursuant to 11 U.S.C. §363(b) and (f), the Trustee is hereby authorized to sell certain residential real estate known as 172 Delaware Avenue, Haworth, New Jersey (the "Property") to Peter Geiger, for the sum of \$801,000.00, which sale shall be free and clear of liens, claims and interests, with valid liens to attach to the proceeds of sale in accordance with the applicable provisions of the Bankruptcy Code and further Order of this Court; and it is further

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Debtor: Stephen DiSalvo

Case No.: 07-20047 (DHS)

Caption of Order: Order Pursuant to 11 U.S.C. §363(b) and (f) Authorizing the Trustee to Sell Certain Real Property, Free and Clear of Liens, Claims and Interests, and Avoiding Liens Pursuant to 11 U.S.C. §544

ORDERED, that at the closing, the Trustee is hereby authorized to make such other payments that are necessary to transfer clear and marketable title to the Property; and it is further

ORDERED, that Stephen DiSalvo and Josephine DiSalvo, are hereby directed to execute any and all documents which may be required to consummate the proposed sale and to cooperate with the Trustee in delivering a clear and marketable title to the Property; and it is further

ORDERED, that the judgment lien held by Greenstar Enterprises, Inc. in the amount of \$1,787,881.20 as judgment number DJ-175890-2006, be and is hereby avoided and removed from record; and it is further

ORDERED, that this Order shall not be stayed pursuant to F.R.B.P. 6004(g).